

Department of State

§ 5.4

§ 5.3 Rules of procedure, description of forms available or the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.

Rules of procedure regarding the following listed matters may be consulted

under the corresponding regulations referenced in § 5.4, or obtained upon application to the offices listed below. Forms pertaining to the following listed matters, and instructions relating thereto may also be obtained at the offices indicated below:

Subject matter	Office	Address
Appointment of Foreign Service Officers.	Board of Examiners for the Foreign Service.	Department of State, Room 7314, 1800 N. Kent St., Arlington, Va. 22209.
Authentication and other services	Document and Reference Division.	Department of State, Room 2815, 22d and D Sts. NW., Washington, DC 20520.
Claims and stolen property	Legal Adviser	Department of State, 2201 C Street NW., Washington, DC 20520.
International educational and cultural exchange program.	Bureau of Educational and Cultural Affairs.	Department of State, 2201 C Street NW., Washington, DC 20520.
International traffic in arms	Office of Munitions Control ...	Department of State, Room 800, 1700 N. Lynn St., Arlington, Va. 22209.
Nationality and passports	Passport Office	Department of State, Room 362, 1425 K St., NW., Washington, DC 20524.
Protection and welfare of U.S. citizens, shipping and seamen, and other consular services abroad.	Office of Special Consular Services.	Department of State, 2201 C Street NW., Washington, DC 20520.
Visa issuance	Visa Office	Department of State, Annex 2, 515 22d Street NW., Washington, DC 20520.

§ 5.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the agency.

(a) The regulations of the Department of State required to be published under the provisions of the Administrative Procedure Act are found in the Code of Federal Regulations and the FEDERAL REGISTER. Any person desiring information with respect to a particular procedure should examine the pertinent regulation cited hereafter.

(b) The following are citations to regulations within the scope of this section.

(1) Acceptance of Gifts and Decorations from Foreign Governments. 22 CFR part 3 *et seq.*

(2) Employee Responsibility and Conduct. 22 CFR part 10 *et seq.*

(3) Appointment of Foreign Service Officers. 22 CFR part 11 *et seq.*

(4) Fees for Services in the United States, fees and Charges, Foreign service. 22 CFR part 21 *et seq.*; 22 CFR part 22 *et seq.*

(5) Claims and Stolen Property. 22 CFR part 31 *et seq.*

(6) Issuance of Visas. 22 CFR parts 41–42 *et seq.*

(7) Nationality and Passports. 22 CFR part 50 *et seq.*

(8) International Educational and Cultural Exchanges. 22 CFR part 61 *et seq.*

(9) Protection and Welfare of Americans Abroad. 22 CFR part 71 *et seq.*

(10) Shipping and Seamen Abroad. 22 CFR part 81 *et seq.*

(11) Other Consular Services Abroad. 22 CFR part 91 *et seq.*

(12) Economic, Commercial and Civil Air Functions Abroad. 22 CFR part 101 *et seq.*

(13) International Traffic in Arms. 22 CFR part 121 *et seq.*

(14) Certificates of Authentication. 22 CFR part 131 *et seq.*

(15) Civil Rights. 22 CFR part 141 *et seq.*

(16) Department of State Procurement. 41 CFR part 6–1 *et seq.*

(c) These regulations are supplemented from time to time by amendments appearing initially in the FEDERAL REGISTER.

PART 7 [RESERVED]

PART 9—SECURITY INFORMATION REGULATIONS

Sec.

- 9.1 Basis.
- 9.2 Objective.
- 9.3 Senior agency official.
- 9.4 Original classification.
- 9.5 Original classification authority.
- 9.6 Derivative classification.
- 9.7 Identification and marking.
- 9.8 Classification challenges.
- 9.9 Declassification and downgrading.
- 9.10 Mandatory declassification review.
- 9.11 Systematic declassification review.
- 9.12 Sharing other-agency classified information.
- 9.13 Access to classified information by historical researchers and certain former government personnel.
- 9.14 Pre-publication review of writings by former Department personnel.
- 9.15 Assistance to the Historian's Office.
- 9.16 Safeguarding.

AUTHORITY: E.O. 13526 (75 FR 707, January 5, 2010); Information Security Oversight Office Directive 32 CFR part 2001 (75 FR 37254, June 28, 2010).

SOURCE: 79 FR 35936, June 25, 2014, unless otherwise noted.

§ 9.1 Basis.

The regulations in this part, taken together with 32 CFR part 2001 and Volume 5 of the Department's Foreign Affairs Manual, provide the basis for the security classification program of the U.S. Department of State ("the Department") implementing Executive Order 13526 on Classified National Security Information ("the Executive Order" or "the Order").

§ 9.2 Objective.

The objective of the Department's classification program is to ensure that national security information is protected from unauthorized disclosure, but that it remains classified only to the extent and for such a period as is necessary.

§ 9.3 Senior agency official.

The Executive Order requires that each agency that originates or handles classified information designate a Senior Agency Official to direct and administer its information security program. The Department's senior agency official is the Under Secretary of State for Management. The Senior Agency

Official is assisted in carrying out the provisions of the Executive Order and the Department's information security program by the Assistant Secretary for Diplomatic Security, the Assistant Secretary for Administration, and the Deputy Assistant Secretary for Global Information Services.

§ 9.4 Original classification.

(a) *Definition.* Original classification is the initial determination that certain information requires protection against unauthorized disclosure in the interest of national security (*i.e.*, national defense or foreign relations of the United States), together with a designation of the level of classification.

(b) *Classification levels.* (1) Top Secret shall be applied to information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe.

(2) Secret shall be applied to information the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.

(3) Confidential shall be applied to information the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

(c) *Classification requirements and considerations.* (1) Information may not be considered for classification unless its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security in accordance with section 1.2 of the Executive Order, and it pertains to one or more of the following:

- (i) Military plans, weapons systems, or operations;
- (ii) Foreign government information;
- (iii) Intelligence activities (including covert action), intelligence sources or methods, or cryptology;
- (iv) Foreign relations or foreign activities of the United States, including confidential sources;